



General Assembly

Substitute Bill No. 1108

January Session, 2001

AN ACT CONCERNING OFFERS OF JUDGMENT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 52-192a of the general statutes is repealed and the following
2 is substituted in lieu thereof:

3 (a) After commencement of any civil action based upon contract or
4 seeking the recovery of money damages, whether or not other relief is
5 sought, the plaintiff may before trial file with the clerk of the court a
6 written "offer of judgment" signed by [him or his] the plaintiff or the
7 plaintiff's attorney, directed to the defendant or [his] the defendant's
8 attorney, offering to settle the claim underlying the action and to
9 stipulate to a judgment for a sum certain. The plaintiff shall give notice
10 of the offer of settlement to the defendant's attorney [,] or, if the
11 defendant is not represented by an attorney, to the defendant himself
12 or herself. Within [thirty] sixty days after being notified of the filing of
13 the "offer of judgment" and prior to the rendering of a verdict by the
14 jury or an award by the court, the defendant or [his] the defendant's
15 attorney may file with the clerk of the court a written "acceptance of
16 offer of judgment" agreeing to a stipulation for judgment as contained
17 in plaintiff's "offer of judgment". Upon such filing, the clerk shall enter
18 judgment immediately on the stipulation. If the "offer of judgment" is
19 not accepted within [thirty] sixty days and prior to the rendering of a
20 verdict by the jury or an award by the court, the "offer of judgment"
21 shall be considered rejected and not subject to acceptance unless

22 refiled. Any such "offer of judgment" and any "acceptance of offer of
23 judgment" shall be included by the clerk in the record of the case.

24 (b) After trial the court shall examine the record to determine
25 whether the plaintiff made an "offer of judgment" which the defendant
26 failed to accept. If the court ascertains from the record that the plaintiff
27 has recovered an amount equal to or greater than the sum certain
28 stated in [his] the plaintiff's "offer of judgment", the court shall add to
29 the amount so recovered twelve per cent annual interest on said
30 amount, computed from the date such offer was filed in actions
31 commenced before October 1, 1981. In those actions commenced on or
32 after October 1, 1981, the interest shall be computed from the date the
33 complaint in the civil action was filed with the court if the "offer of
34 judgment" was filed not later than eighteen months from the filing of
35 such complaint. If such offer was filed later than eighteen months from
36 the date of filing of the complaint, the interest shall be computed from
37 the date the "offer of judgment" was filed. The court may award
38 reasonable attorney's fees in an amount not to exceed three hundred
39 fifty dollars, and shall render judgment accordingly. This section shall
40 not be interpreted to abrogate the contractual rights of any party
41 concerning the recovery of attorney's fees in accordance with the
42 provisions of any written contract between the parties to the action.

JUD *Joint Favorable Subst.*